

REFERENCE TITLE: school enrollment; parental consent

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1527**

Introduced by  
Senators Hale, Mitchell: Arzberger, Cannell, Cheuvront, Garcia, Soltero;  
Representative Rios P

### AN ACT

AMENDING SECTION 15-802, ARIZONA REVISED STATUTES; RELATING TO SCHOOL ATTENDANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 15-802, Arizona Revised Statutes, is amended to  
3 read:

4           15-802. School instruction: exceptions: violations:  
5           classification: definitions

6       A. Every child between the ages of six and sixteen years shall attend  
7 a school and shall be provided instruction in at least the subjects of  
8 reading, grammar, mathematics, social studies and science. The person who  
9 has custody of the child shall choose a public, private, charter or home  
10 school as defined in this section to provide instruction.

11      B. The parent or person who has custody shall do the following:

12       1. If the child will attend a public, private or charter school,  
13 enroll the child in and ensure that the child attends a public, private or  
14 charter school for the full time school is in session. If a child attends a  
15 school which is operated on a year-round basis the child shall regularly  
16 attend during school sessions that total not less than one hundred  
17 seventy-five school days or two hundred school days, as applicable, or the  
18 equivalent as approved by the superintendent of public instruction.

19       2. If the child will attend a private school or home school, file an  
20 affidavit of intent with the county school superintendent stating that the  
21 child is attending a regularly organized private school or is being provided  
22 with instruction in a home school. The affidavit of intent shall include:

- 23           (a) The child's name.  
24           (b) The child's date of birth.  
25           (c) The current address of the school the child is attending.  
26           (d) The names, telephone numbers and addresses of the persons who  
27 currently have custody of the child.

28       3. If the child will attend home school, the child has not reached  
29 eight years of age by September 1 of the school year and the person who has  
30 custody of the child does not desire to begin home instruction until the  
31 child has reached eight years of age, file an affidavit of intent pursuant to  
32 paragraph 2 of this subsection stating that the person who has custody of the  
33 child does not desire to begin home school instruction.

34       C. An affidavit of intent shall be filed within thirty days from the  
35 time the child begins to attend a private school or home school and is not  
36 required thereafter unless the private school or the home school instruction  
37 is terminated and then resumed. The person who has custody of the child  
38 shall notify the county school superintendent within thirty days of the  
39 termination that the child is no longer being instructed at a private school  
40 or a home school. If the private school or home school instruction is  
41 resumed, the person who has custody of the child shall file another affidavit  
42 of intent with the county school superintendent within thirty days.

43       D. A person is excused from the duties prescribed by subsection A or B  
44 of this section if any of the following ~~are~~ IS shown to the satisfaction of  
45 the school principal or the school principal's designee:

1       1. The child is in such physical or mental condition that instruction  
2 is inexpedient or impracticable.

3       2. The child has completed the high school course of study necessary  
4 for completion of grade ten as prescribed by the state board of education.

5       3. The child has presented reasons for nonattendance at a public  
6 school which are satisfactory to the school principal or the school  
7 principal's designee. For purposes of this paragraph, the principal's  
8 designee may be the school district governing board.

9       4. The child is over fourteen years of age and is, with the consent of  
10 the person who has custody of him, employed at some lawful wage earning  
11 occupation.

12       5. The child is enrolled in a work training, career education, career  
13 and technical education, vocational education or manual training program  
14 which meets the educational standards established and approved by the  
15 department of education.

16       6. The child was either:

17           (a) Suspended and not directed to participate in an alternative  
18 education program.

19           (b) Expelled from a public school as provided in article 3 of this  
20 chapter.

21       7. The child is enrolled in an education program provided by a state  
22 educational or other institution.

23       E. Unless otherwise exempted in this section or section 15-803, a  
24 parent of a child between six and sixteen years of age or a person who has  
25 custody of a child, who does not provide instruction in a home school and who  
26 fails to enroll or fails to ensure that the child attends a public, private  
27 or charter school pursuant to this section is guilty of a class 3  
28 misdemeanor. A parent who fails to comply with the duty to file an affidavit  
29 of intent to provide instruction in a home school is guilty of a petty  
30 offense.

31       F. A CHILD WHO IS AT LEAST SIXTEEN YEARS OF AGE MAY ENROLL IN A PUBLIC  
32 SCHOOL WITHOUT THE CONSENT OF THE CHILD'S PARENT OR GUARDIAN.

33       F. G. For the purposes of this section:

34           1. "Home school" means a school conducted primarily by the parent,  
35 guardian or other person who has custody of the child or instruction provided  
36 in the child's home.

37           2. "Private school" means a nonpublic institution, other than the  
38 child's home, where academic instruction is provided for at least the same  
39 number of days and hours each year as a public school.